

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS)
ANTITRUST LITIGATION)

MDL DOCKET No. M:10-cv-2143 VRW

[PROPOSED] ORDER GRANTING
HAGENS BERMAN'S APPOINTMENT
AS INTERIM LEAD COUNSEL FOR
INDIRECT PURCHASER CLASS

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

On May 13, 2010, pursuant to this Court's order on May 7, 2010 (Doc. # 33 at 7), plaintiffs' counsel for the indirect purchaser class filed various submissions in support of appointment as interim lead counsel for the indirect purchaser class. Having reviewed the submissions, and good cause showing, the Court hereby appoints Hagens Berman Sobol Shapiro LLP ("Hagens Berman") as interim lead counsel and finds pursuant to Fed. R. Civ. P. 23(g):

1. Hagens Berman has undertaken significant work in identifying or investigating potential claims in the action.

2. Hagens Berman has extensive experience in handling class actions, other complex litigation, and claims of the type asserted in the action.

3. Hagens Berman has demonstrated a sufficient knowledge of the applicable law.

4. Hagens Berman has sufficient resources to commit to representing the class.

5. The Court has not relied on any single factor in making the appointment of Hagens Berman has but has considered all of the enumerated factors.

The Court hereby ORDERS as follows:

1. Hagens Berman is appointed as interim lead counsel for the indirect purchaser class. Attorneys' fees and expenses to Hagens Berman will be awarded consistent with the terms set out in the firm's proposal dated May 13, 2010.

2. Hagens Berman shall have the responsibility to oversee the litigation, including any subsequent related or tag-along cases, on behalf of the indirect purchaser class. Any agreements entered into by Hagens Berman with defendants or their counsel shall be binding on the indirect purchaser class. Hagens Berman shall have the following responsibilities:

(a) To determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the court and opposing parties the position of the indirect purchaser class on all matters arising during pretrial proceedings;

(b) To initiate and conduct of discovery on behalf of the indirect purchaser class consistent with the requirements of Federal Rule of Civil Procedure 26, including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;

- 1 (c) To conduct settlement negotiations on behalf of the indirect purchaser class;
- 2 (d) To delegate specific tasks to other counsel or committees of counsel, in a
- 3 manner to ensure that pretrial preparation for the indirect purchaser class is conducted efficiently
- 4 and effectively;
- 5 (e) To enter into stipulations with opposing counsel as necessary for the conduct
- 6 of the litigation;
- 7 (f) To prepare and distribute periodic status reports to the parties;
- 8 (g) To monitor the activities of indirect purchaser class counsel to ensure that
- 9 schedules are met and unnecessary expenditures of time and funds are avoided;
- 10 (h) To receive orders, notices, correspondence, and telephone calls from the
- 11 court on behalf of the indirect purchaser class, and shall be responsible for preparing and
- 12 distributing the same to all indirect purchasers' counsel upon direction from the court;
- 13 (i) To collect funds from the indirect purchaser class's counsel as needed to
- 14 defray the common costs incurred in the prosecution of this litigation;
- 15 (j) To require and collect from the indirect purchaser class's counsel periodic
- 16 reporting of their time and expenses incurred in the litigation;
- 17 (k) To consult with and employ experts and consultants; and
- 18 (l) To perform such other duties and undertake such other responsibilities as
- 19 deemed necessary or desirable in connection with the prosecution of the litigation.
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3. All counsel for indirect purchasers shall keep a daily record of their time spent and expenses incurred in connection with this litigation. The failure to maintain such records will be grounds for denying court-awarded attorney fees, as will an insufficient description of the activity.

IT IS SO ORDERED.

DATED: _____

CHIEF JUDGE VAUGHN R. WALKER
UNITED STATES DISTRICT JUDGE

Submitted by:

Dated: May 13, 2010

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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ Steve W. Berman
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